

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 04-11193-NG

SHAWN DRUMGOLD,
Plaintiff

v.

TIMOTHY CALLAHAN, FRANCIS M. ROACHE,
PAUL MURPHY, RICHARD WALSH, and THE
CITY OF BOSTON,
Defendants

**JOHN DALEY'S CERTIFICATION PURSUANT TO
LOCAL RULE 7.1(A)(2) AND LOCAL RULE 37.1**

I hereby certify, pursuant to Local Rule 7.1(A)(2) (D. Mass.) and L.R. 37.1, that counsel for the moving party, John Daley, and counsel for the Plaintiff in the above-captioned action have conferred in a good faith attempt to resolve or narrow the issues raised by the instant motion for protective order, and that we have been unable to do so.

Counsel for Lt. Daley and counsel for Plaintiff, the party responsible for issuing the subpoena *duces tecum* to Lt. Daley, engaged in a telephone conference on Tuesday, January 16, 2007. The issue to be decided by this Court is whether Mr. Daley should be compelled to produce his personal diary to Plaintiff for inspection. The nature of the case and facts relevant to the discovery matters to be decided, a statement of Mr. Daley's position as to production of his personal diary, and supporting legal authority are set forth in Mr. Daley's Motion for Protective Order and Memorandum of Law in support, filed herewith.

Respectfully submitted,
JOHN DALEY

By his attorney,

/s/ Eve A. Piemonte Stacey
Eve A. Piemonte Stacey – BBO# 628883
ROACH & CARPENTER, P.C.
24 School Street
Boston, Massachusetts 02108
(617) 720-1800

Dated: January 17, 2007

CERTIFICATE OF SERVICE

I, Eve Piemonte Stacey, hereby certify that this document was filed through the ECF system on January 17, 2007, and that a true paper copy of this document will be sent to those indicated as non registered participants on the Notice of Electronic Filing on January 17, 2007 by first class mail.

/s/ Eve A. Piemonte Stacey
Eve A. Piemonte Stacey